IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13186 of 2006

Dated: June 30, 2006

Between:

M.V. Suresh Babu, S/o. M. Ranganayakulu,
aged about 44 years, Occ: P.A. to Executive Officer,
Sri Tirupathamma Ammavari Devsastnam,
Penuganchiprolu, Krishna District.

… Petitioner

And

Regional Joint Commissioner of Endowments,
Multi-Zone-I, Kakinada, East Godavari District,
and another.

… Respondents

Order:

The petitioner, an employee of the second respondent-Devasthanam, filed this Writ Petition seeking a Writ of Mandamus to declare the action of the first respondent in not following Rule-4 of Office Holders and Servants Punishment Rules, 1987 framed under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 as illegal and arbitrary, and, consequently to set aside the

proceedings dated 26-02-2006.

2. Heard the learned counsel for the petitioner and the learned Government Pleader, appearing for the respondents.

3. The petitioner who was working as P.A. to Executive Officer in the second respondent temple was placed under suspension pending enquiry. Thereafter, the first respondent herein was appointed as Enquiry Officer to enquire into the allegations levelled against the petitioner. The Enquiry Officer after conducting necessary enquiry submitted the report suggesting the proposed punishment also in the operative portion of the report stating that ends of justice would be met if the punishment of one increment is inflicted on the petitioner.

4. It is submitted by the learned counsel for the petitioner that the petitioner is aggrieved by the operative portion of the report wherein the Enquiry Officer suggested the proposed punishment also, which has the effect of influencing the disciplinary authority in the imposition of the punishment. He further submits that the role of the enquiry officer is limited only to the extent of enquiring into the charges levelled against the delinquent officer and he cannot suggest as to what punished should be imposed. Therefore, the report of the first respondent suggesting the proposed punishment is without any authority of law.

5. However, it is to be seen that the enquiry officer had simply suggested that the ends of justice would be met if the punishment of stoppage of one increment is inflicted on the petitioner. Merely because the proposal or suggestion is given, the same is not binding on the disciplinary authority. The disciplinary authority, as per the rules applicable, may or may not accept the proposed punishment as

indicated in the enquiry report. In that view of the matter, I dispose of the writ petition directing the second respondent/disciplinary authority to consider the enquiry report submitted by the first respondent-enquiry officer and pass appropriate final orders on the same, uninfluenced by any of the suggestions made by the enquiry officer in his report.

6. Subject to above direction, the writ petition is disposed of. No costs.

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JUSTICE R. SUBHASH REDDY.

June 30, 2006
MRR